

REMARKS/ARGUMENTS

Claims 1, 3-11 and 13-18 are pending in the application. Claims 2 and 12 were previously canceled without prejudice or disclaimer. Claim 1, 3-11 and 13-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by Favor (US 6,732,236).

Applicants have amended independent claim 1 to include the limitations of “enqueuing the second instruction for execution” and “executing the second instruction.” Analogous amendments have been made to independent claims 5, 10, 13, and 16. Page 4 of the most recent Office Action asserts that the detection step in Favor teaches the second instruction. Even assuming *arguendo* that this is true, the detection step is never enqueued for execution, and is not executed “after the cache miss with which the first instruction is associated is serviced . . .,” as is recited in amended independent claim 1. For at least that reason, Favor fails to anticipate independent claim 1, and for similar reasons, fails to anticipate independent claims 5, 10, 13, and 16.

Accordingly, applicants assert independent claims 1, 5, 10, 13, and 16 are allowable, and dependent claims 3-4, 6-9, 11, 14-15, and 17-18 are allowable as depending from allowable independent claims. Applicants respectfully request the rejection of claims 1, 3-11, 13-18 under 35 U.S.C. § 102(e) be withdrawn.

It is believed that this Response places the application in condition for allowance, and early favorable consideration of this Response is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Application No.: 10/743,142
Amendment & RCE dated: October 31, 2007
Final Office Action dated: May 24, 2007

The Office is hereby authorized to charge any fees, or credit any overpayments, to
Deposit Account No. **11-0600**.

Respectfully submitted,
KENYON & KENYON LLP

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